

IN RE: PETITION FOR VARIANCE
NE/Corner Benson Avenue and
Benson Court
(4700-4724 Benson Avenue)
13th Election District
1st Councilmanic District

Benson Joint Venture
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-15-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 4700-4724 Benson Avenue, located in the vicinity of Southwestern Boulevard and the Baltimore Beltway in Arbutus. The Petition was filed by the owners of the property, Benson Joint Venture, by Merritt Management Corporation, through Gary J. Swatko, Partner, and Robert A. Hoffman, Esquire, attorney for the Petitioners. The Petitioners seek relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners were Robert A. Hoffman, Esquire, and James Matis, Professional Engineer, who prepared the site plan for this project. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 6.58 acres, more or less, zoned M.L.-I.M. and is improved with a one-story warehouse building containing 118,490 sq.ft. The Petitioners are desirous of constructing a 4,800 sq.ft. addition to the front of the building to provide more office space, and a 23,000 sq.ft. addition to the existing warehouse space in accordance with Petitioner's Exhibit 1. Due

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

to site constraints unique to this property, specifically, the topography of the land, the existing parking arrangement, and landscaping prohibits construction of the larger addition in the front or on the sides. The proposed addition will "square off" the rear of the building and maintain adequate traffic and architectural flow. Testimony indicated that the property is located in an area of highly commercial/industrial manufacturing uses, and thus, the relief requested would not result in any adverse impact upon the surrounding locale.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to

show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property

ORDER RECEIVED FOR FILING

Date

By

line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

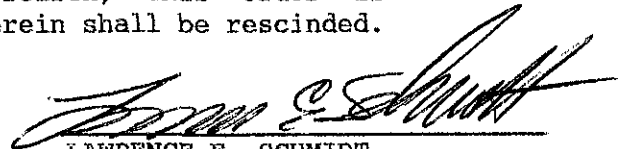
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons set forth above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 8/17/86
By [Signature]

WACOM/10/11

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of August, 1995 that the Petition for Variance seeking relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 17, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/Corner Benson Avenue and Benson Court
(4700-4724 Benson Avenue)
13th Election District - 1st Councilmanic District
Benson Joint Venture - Petitioners
Case No. 96-15-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

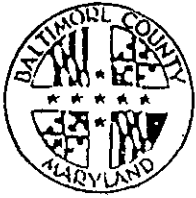
cc: Mr. Gary J. Swatko, Partner
Merritt Management Corporation
2066 Lord Baltimore Drive, Baltimore, Md. 21207

People's Counsel

File



RECORDED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4700-4724 Benson Avenue

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 (238.2) of the Baltimore County Zoning Regulations to permit a rear yard setback of 10' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address:

City State Zipcode

Attorney for Petitioner.

Robert A. Hoffman, Esquire

(Type or Print Name)

Signature Venable, Baetjer & Howard
210 Allegheny Avenue

494-6262

Towson, Maryland 21204

State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s): Benson Joint Venture

By: Merritt Management Corporation

(Type or Print Name)

By:

Signature

Gary J. Swatko, Partner

(Type or Print Name)

Signature

c/o Merritt

2066 Lord Baltimore Drive 298-2600

Address

Baltimore, Maryland 21207

Phone No.

City

State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6262

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date By

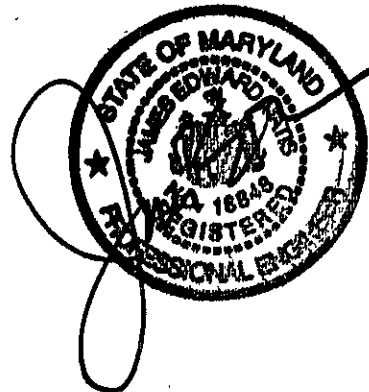
MATIS WARFIELD
CONSULTING ENGINEERS

**Description to Accompany Zoning Petition
For Variance
No. 4700 - 4724 Benson Avenue**

July 7, 1995

Beginning for the same at a point at the northeast corner of Benson Avenue and Benson Court, said point distant North 00° 56' 45" West 32.71 feet from the intersection of the centerlines of Benson Avenue and Benson Court, thence binding along the east side of Benson Court 1) North 51° 04' 40" West 331.17 feet, thence leaving Benson Court and running the four following courses viz: 2) North 46° 31' 20" East 341.00 feet, 3) North 43° 28' 40" West 100.00 feet, 4) North 46° 31' 20" East 400.00 feet, and 5) South 43° 28' 40" East 457.37 feet to the north side of Benson Avenue, thence binding on the north side of Benson Avenue the two following courses viz: 6) South 44° 51' 20" West 13.10 feet and 7) South 48° 59' 26" West 684.74 feet to the place of beginning. Containing 6.58 acres more or less.

This description is intended for zoning purposes only and is not for use in conveyance of land, establishment of property lines, or for any other purpose.



MICROFILMED

MATIS WARFIELD, INC.
6600 York Road • Suite 209 • Baltimore, Maryland 21212
Tel: 410-377-7596 • Fax: 410-377-7657

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-15-A

District 15D Date of Posting 7/22/95
Posted for: Variation
Petitioner: Benson Joint Venture
Location of property: 1700-47th Benson Ave., NE/Cor Hrs. & Lot
Location of Signs: Facing roadway property being zoned
Remarks: _____
Posted by [Signature] Date of return: 7/25/95
Signature
Number of Signs: 1



MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-15-A
(Item 15)
4700-4724 Benson Avenue
NEC Benson Avenue and
Benson Court
13th Election District
1st Councilmanic
Legal Owner(s):
Benson Joint Venture
Hearing: Friday
August 11, 1995 at 11:00
a.m. in Rm. 106, County Office Building

Variance: to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

7/201 July 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 20, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

003537

DATE

13 July 95

ACCOUNT

R-001-6150

AMOUNT \$

285.00

RECEIVED
FROM:

Venable, Baetjer + Howard

FOR:

4700 - 4724 Benson Ave

03A03H0128MICHRC

03A03H0128MICHRC

CAM
\$285.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 15

Petitioner: Benson Joint Venture

LOCATION: 4700-4724 Benson Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod, Legal Assistant

ADDRESS: 210 Allegheny Ave
Towson Md 21204

PHONE NUMBER: 494-6200

AJ:ggs
(Revised 3/29/93)



Printed on Recycled Paper
Printed on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-15-A (Item 15)
4700-4724 Benson Avenue
NEC Benson Avenue and Benson Court
13th Election District - 1st Councilmanic
Legal Owner(s): Benson Joint Venture
HEARING: FRIDAY, AUGUST 11, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-15-A (Item 15)

4700-4724 Benson Avenue

NEC Benson Avenue and Benson Court

13th Election District - 1st Councilmanic

Legal Owner(s): Benson Joint Venture

HEARING: FRIDAY, AUGUST 11, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: Benson Joint Venture
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 4, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 15
Case No.: 96-15-A
Petitioner: Benson Joint Venture

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: August 1, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 4700-4724 Benson Avenue

INFORMATION:

Item Number: 15

Petitioner: Benson Joint Venture

Property Size: _____

Zoning: ML-IM

Requested Action: Variance

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 31, 1995
Zoning Administration and Development Management

FROM *sub* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 31, 1995
Item 015

The Development Plans Review Division has reviewed
the subject zoning item.

Prior to receiving a building, this site must conform
with the requirements in the Baltimore County Landscape
Manual.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/17/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: BENSON JOINT VENTURE

LOCATION: NEC BENSON AVE.&BENSON CT. (4700-4724 BENSON AVE.)

Item No.: 015

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

MICROFILMED



Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-17-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 015 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

UNRECORDED

RE: PETITION FOR VARIANCE
4700-4724 Benson Avenue, NEC Benson Ave.
and Benson Court, 13th Election Dist.
1st Councilmanic

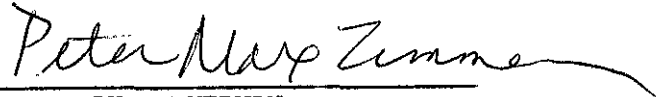
Benson Joint Venture
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-15-A

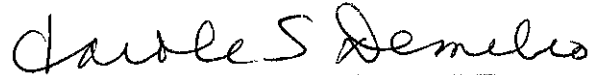
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.




PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

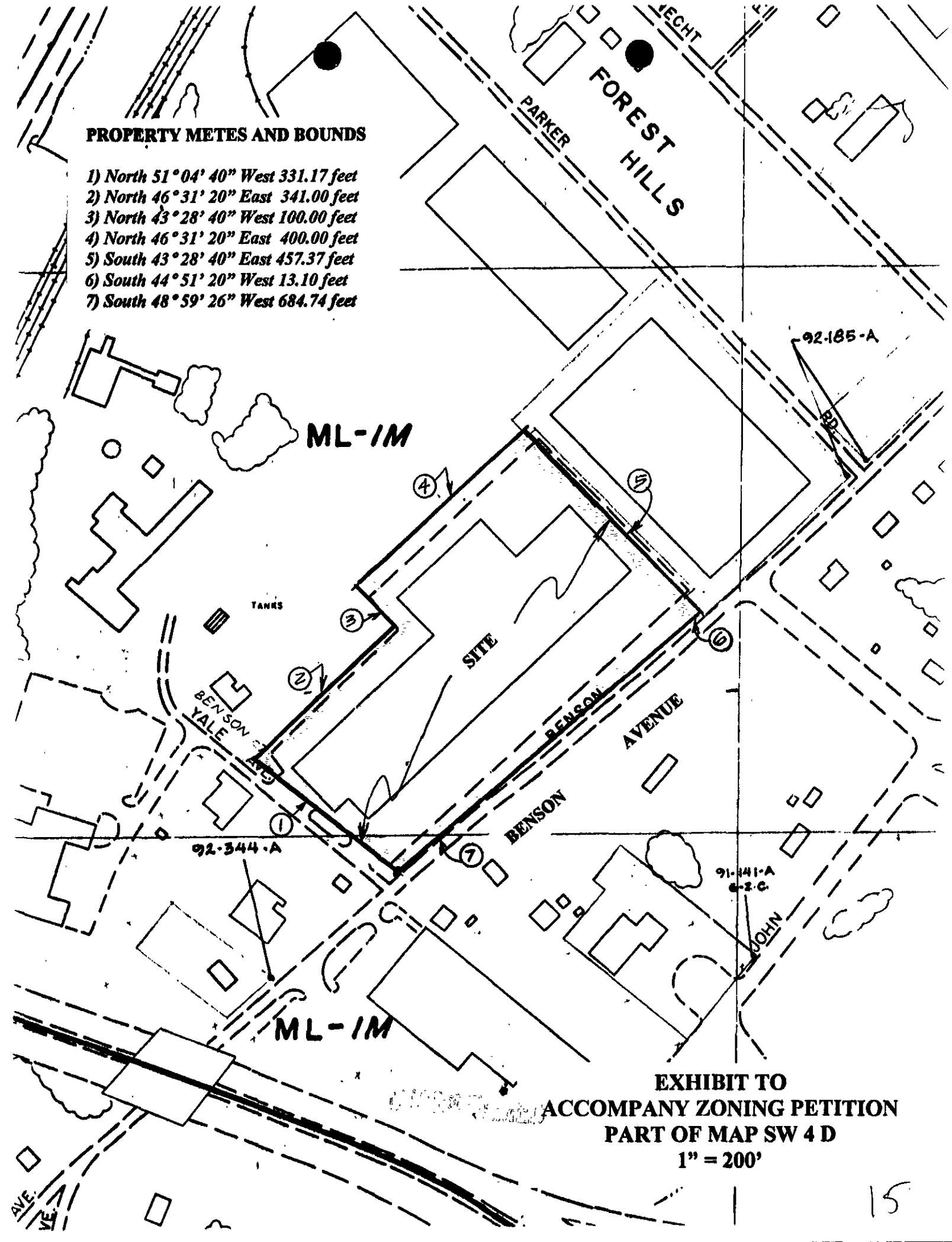


PETER MAX ZIMMERMAN

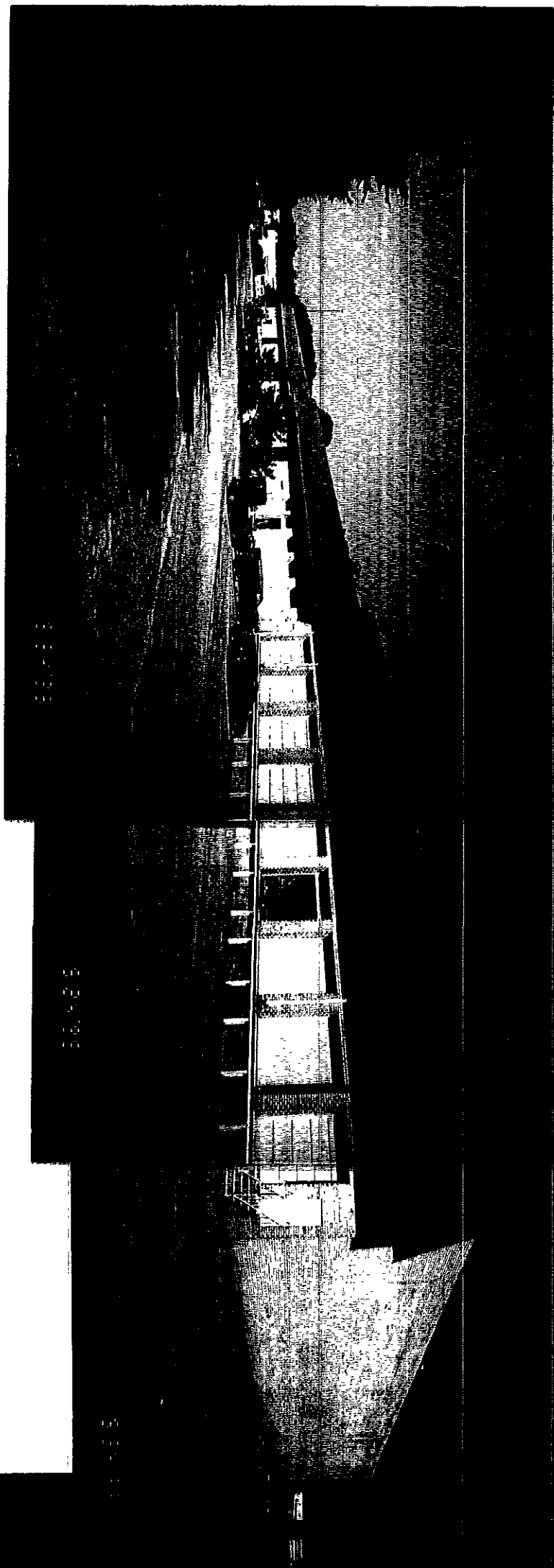
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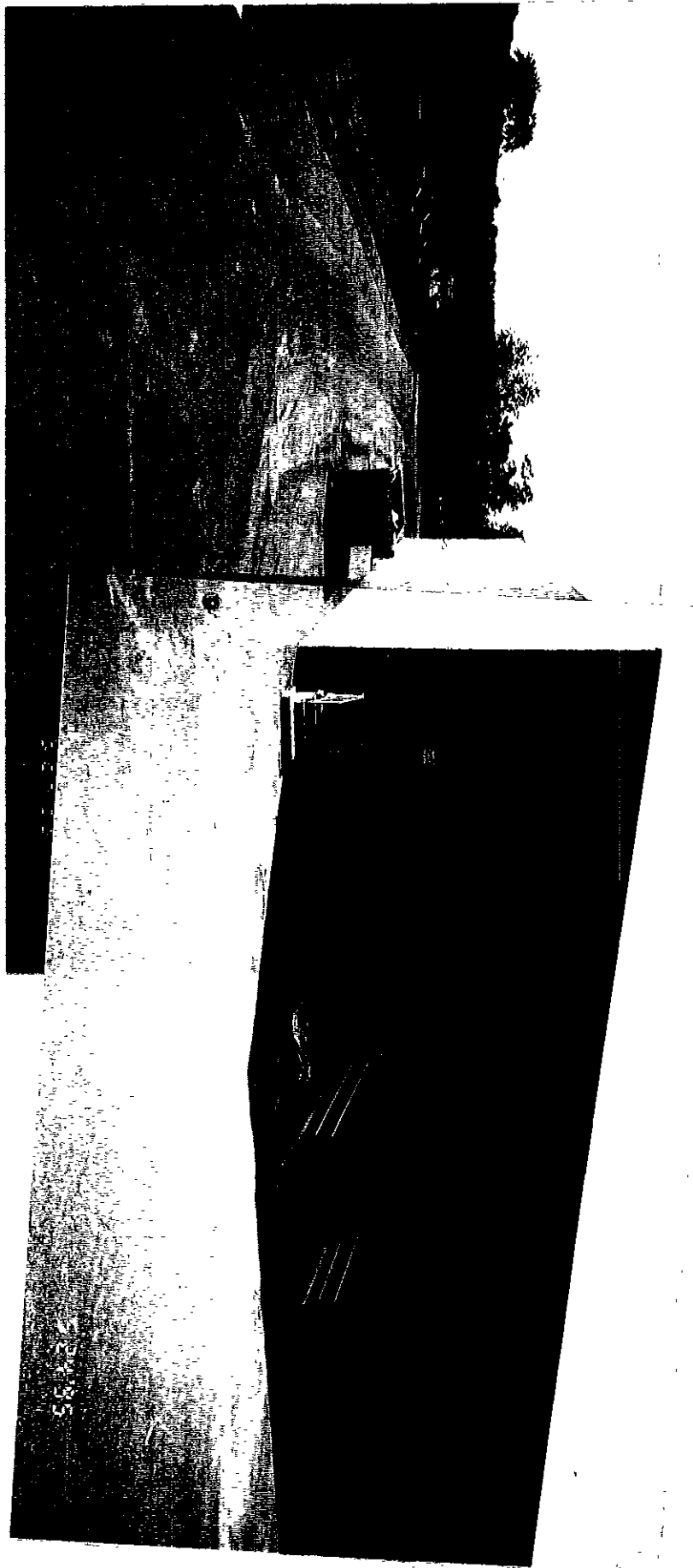
PROPERTY METES AND BOUNDS

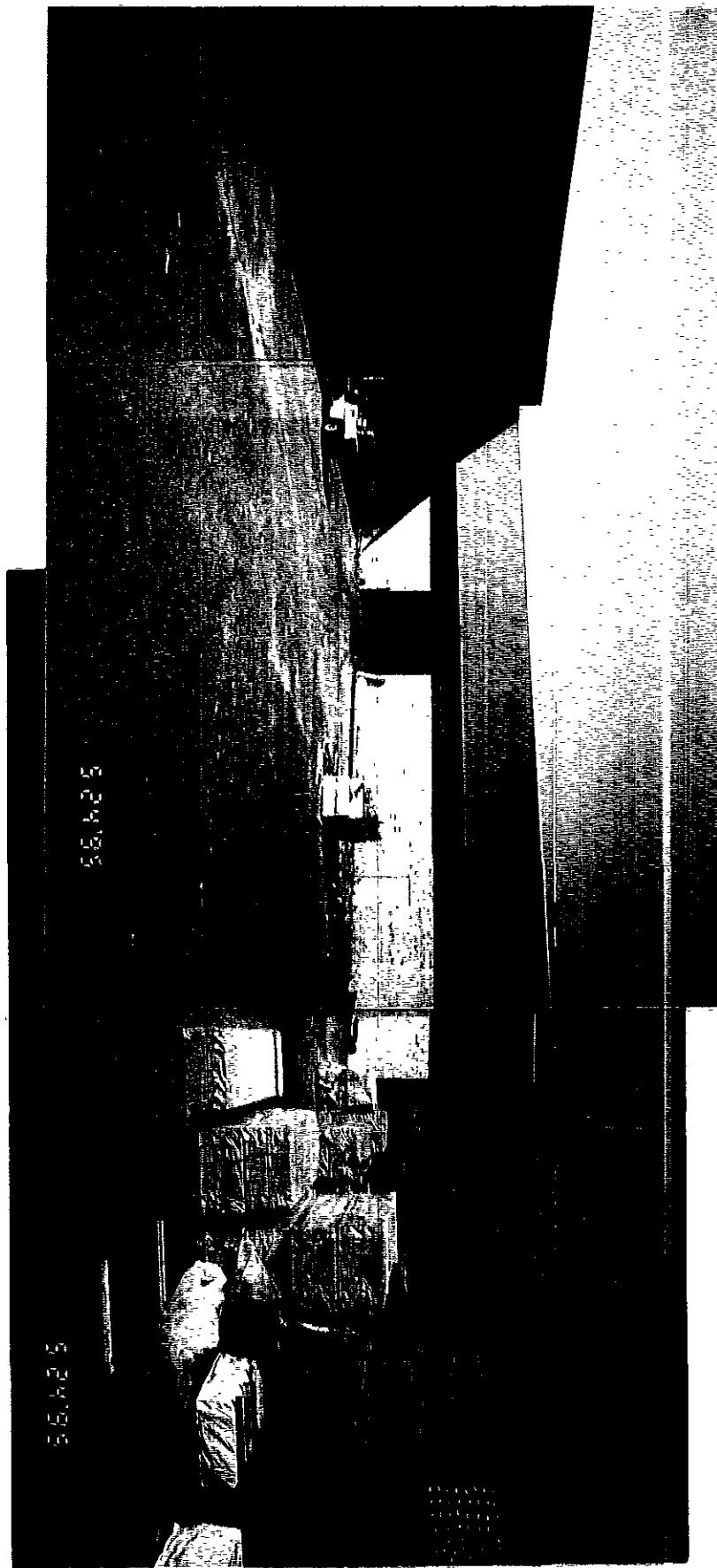
- 1) North $51^{\circ}04'40''$ West 331.17 feet
- 2) North $46^{\circ}31'20''$ East 341.00 feet
- 3) North $43^{\circ}28'40''$ West 100.00 feet
- 4) North $46^{\circ}31'20''$ East 400.00 feet
- 5) South $43^{\circ}28'40''$ East 457.37 feet
- 6) South $44^{\circ}51'20''$ West 13.10 feet
- 7) South $48^{\circ}59'26''$ West 684.74 feet



**EXHIBIT TO
ACCOMPANY ZONING PETITION
PART OF MAP SW 4 D
1" = 200'**

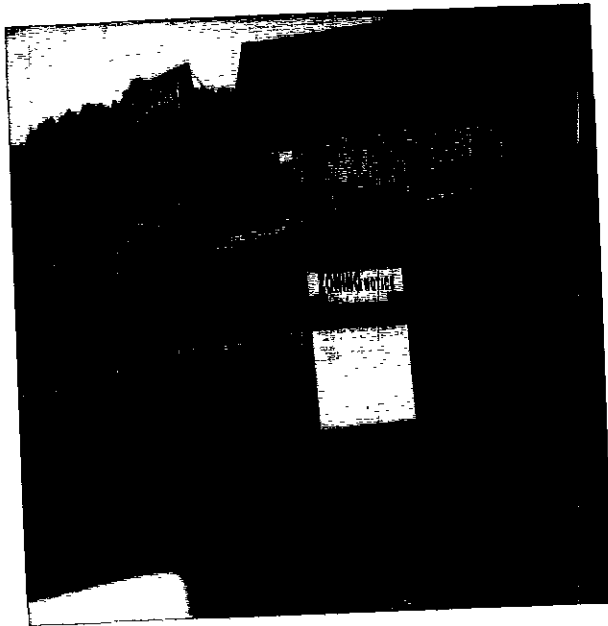






5 24 78 5

5 24 78 5



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 151 Date of Posting: 7/21/95
Posted for: Variance
Petitioner: Benson Joint Venture
Location of property: 4700-4724 Benson Ave., Old Court House, Towson, Maryland
Location of Sign: 4700-4724 Benson Ave., Old Court House, Towson, Maryland
Remarks:
Posted by: [Signature] Date of return: 7/28/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 21, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 20, 1995.

THE JEFFERSONIAN,

A. H. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on August 11, 1995 at 11:00 a.m. in Room 106, County Office Building, Towson, Maryland 21204 as follows:

Case: #96-15-A (Item 15)
4700-4724 Benson Avenue
NEC Benson Avenue and Benson Court
13th Election District - 1st Councilmanic Legal Owner(s): Benson Joint Venture
Hearing: Friday, August 11, 1995 at 11:00 a.m. in Room 106, County Office Building, Towson, Maryland 21204 as follows:

non Building

Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3351, July 20.

7/20/95

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007657
DATE: 12/1/95 ACCOUNT: R-001-6150
AMOUNT: \$ 285.00
RECEIVED FROM: Venable, Baetjer & Howard
FOR: 4700-4724 Benson Ave
CASH RECEIPT
03A0380128HCHRC
8/20/95 13-95 \$285.00
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: 15 Item No.: 15

Petitioner: Benson Joint Venture

LOCATION: 4700-4724 Benson Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Howard, Legal Assistant

ADDRESS: 2111 Allegany Avenue

Towson, MD 21204

PHONE NUMBER: 494-6300

AJ:egs
(Revised 3/29/93)

TO: FUTURE PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara W. Howard
Venable Baetjer & Howard
210 Allegany Avenue
Towson, MD 21204
494-6300

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-15-A (Item 15)

4700-4724 Benson Avenue

NEC Benson Avenue and Benson Court

13th Election District - 1st Councilmanic

Legal Owner(s): Benson Joint Venture

HEARING: FRIDAY, AUGUST 11, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-15-A (Item 15)

4700-4724 Benson Avenue

NEC Benson Avenue and Benson Court

13th Election District - 1st Councilmanic

Legal Owner(s): Benson Joint Venture

HEARING: FRIDAY, AUGUST 11, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

[Signature]

Arnold Jablon

Director

Department of Permits and Development Management

cc: Benson Joint Venture

Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 4, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegany Avenue
Towson, Maryland 21204

RE: Item No.: 15
Case No.: 96-15-A
Petitioner: Benson Joint Venture

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM). Zoning Review, on July 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioners, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: August 1, 1995

FROM: Pat Keller, Director, CPZ

SUBJECT: 4700-4724 Benson Avenue

INFORMATION:

Item Number: 15

Petitioner: Benson Joint Venture

Property Size:

Zoning: ML-1M

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 31, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 31, 1995
Item 015

The Development Plans Review Division has reviewed the subject zoning item.

Prior to receiving a building, this site must conform with the requirements in the Baltimore County Landscape Manual.

PK/BW

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/17/95

Arnold Jablon
Director
Zoning Administration and
Development Management
County Office Building
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: BENSON JOINT VENTURE
LOCATION: NEC BENSON AVE. & BENSON CT. (4700-4724 BENSON AVE.)

Item No.: 015 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

7-17-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 015 (CWH)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

RE: PETITION FOR VARIANCE
4700-4724 Benson Avenue, NEC Benson Ave.
and Benson Court, 13th Election Dist.
1st Councilmanic

Benson Joint Venture
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 96-15-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

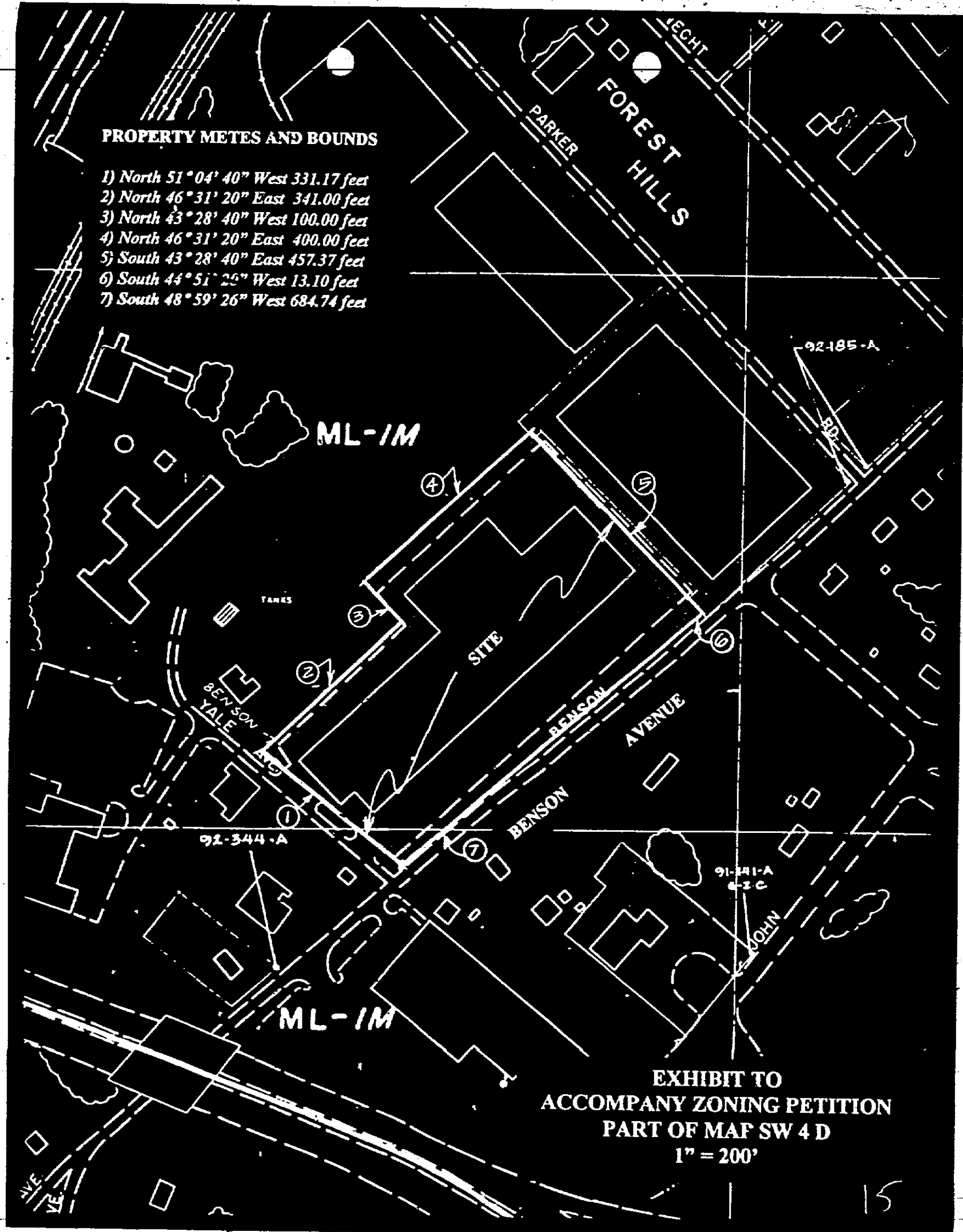
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

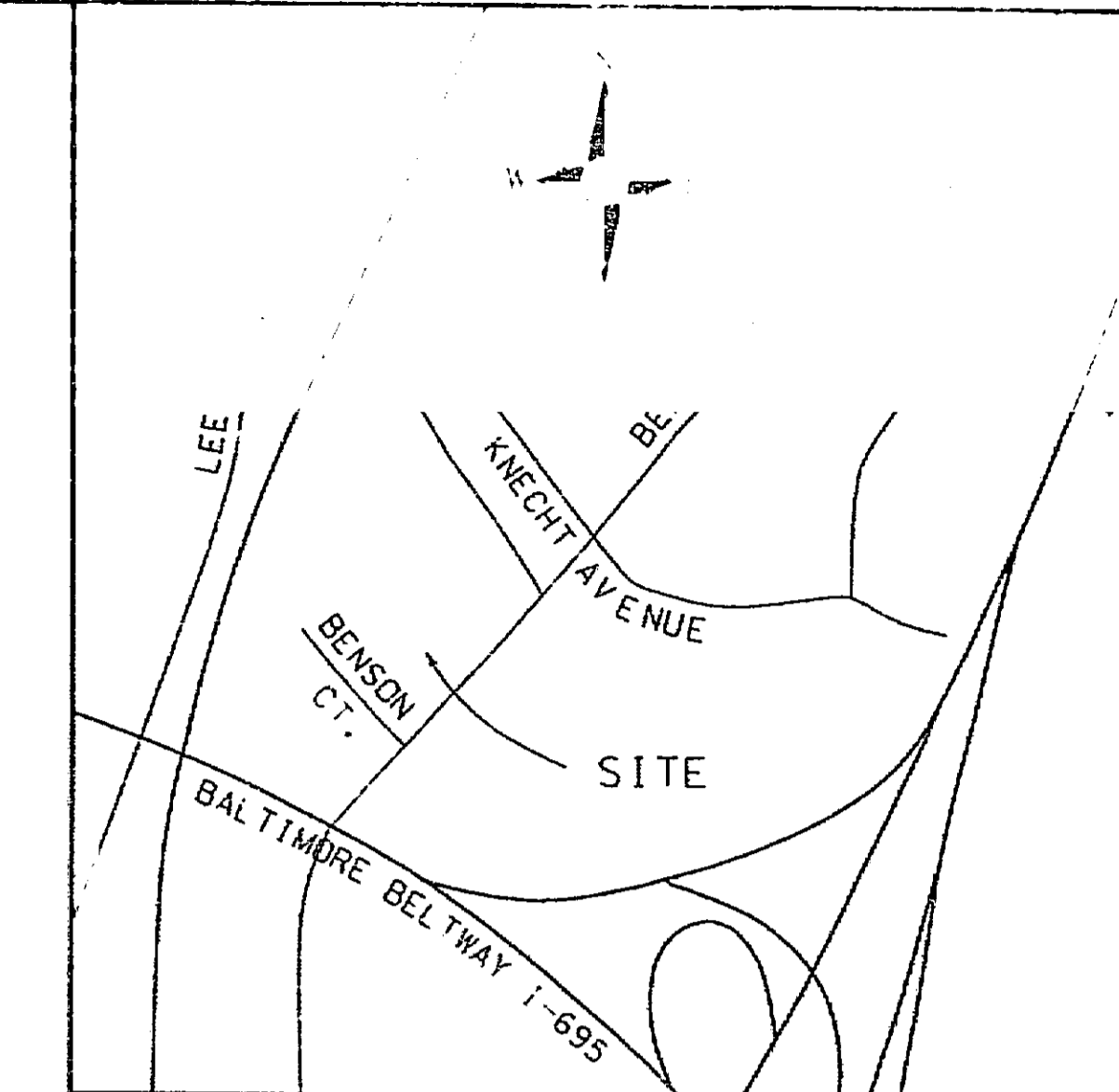
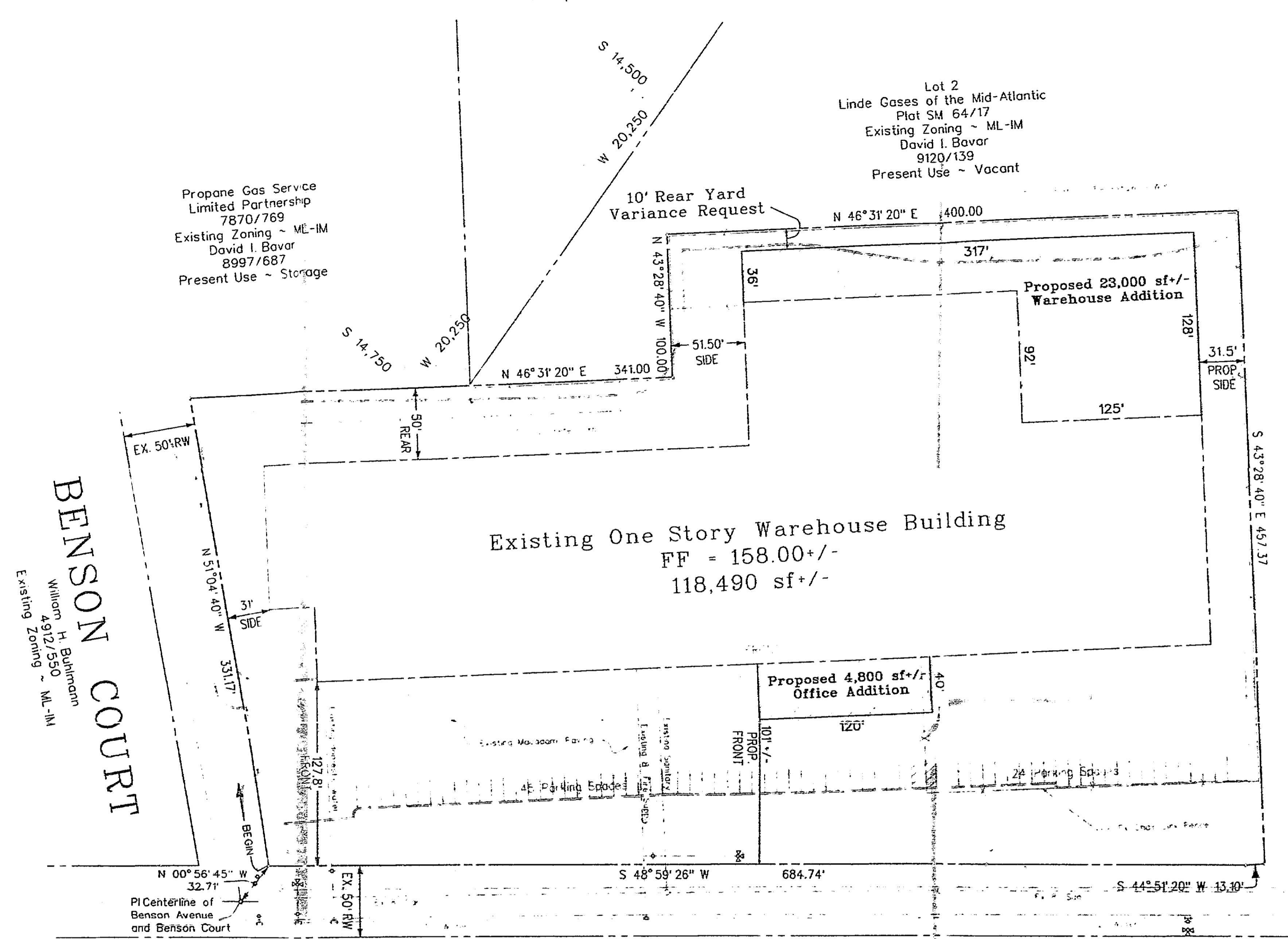
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





LOCATION MAP
SCALE: 1" = 1,000'

SITE DATA

Gross area of site - 7.17 acres +/-
 Net area of site - 6.58 acres +/-
 Existing zoning - ML-1M
 Present use - 118,490 sq warehouse with ancillary offices
 Proposed use - same + 23,000 sq warehouse addition and 4,800 sq office addition

Floor area ratio - 3.36/7.17 = 0.47
 Amenity open space - n/a
 Tax Account # - 1600007353
 Deed reference - 5300/531
 Councilmanic District - 1
 Building height - 35 feet +/-
 Previous commercial permits - unknown
 Signage - None proposed at this time. All future signage to comply with Section 413 BCZR and all zoning sign policies
 Development Approval for Prop. Addition-DRC #06125E Ltd. exemption (a)(7)

PARKING TABULATION

Parking Required	
Ex. 3,653 sf of General Office + 4,800 sf of Proposed Office	
Total of 8,453 sf of General Office at 3.3 spaces/1,000 sf	= 28 spaces
Ex. 114,837 sf of Warehouse + 23,000 sf Warehouse Addition	
Total of 137,837 sf of Warehouse @ 24 employees @	
1 Space per 1 employee	= 24 spaces
TOTAL PARKING REQUIRED	= 52 spaces
Parking Provided	
	= 69 spaces

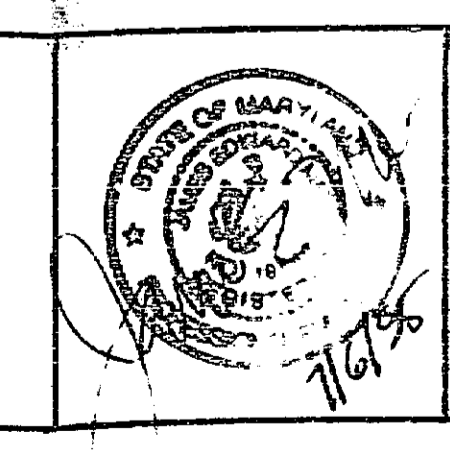
Standard spaces @ 8.5' x 18' min
 Handicap spaces (total two side by side) 21' x 18'
 Van accessible handicap spaces (total two side by side) 24' x 18'

BENSON AVENUE

PLAN
Scale: 1" = 50'

This Plat is intended for zoning purposes only and is not for use in conveyance of land, establishment of property lines, or for any other purpose.

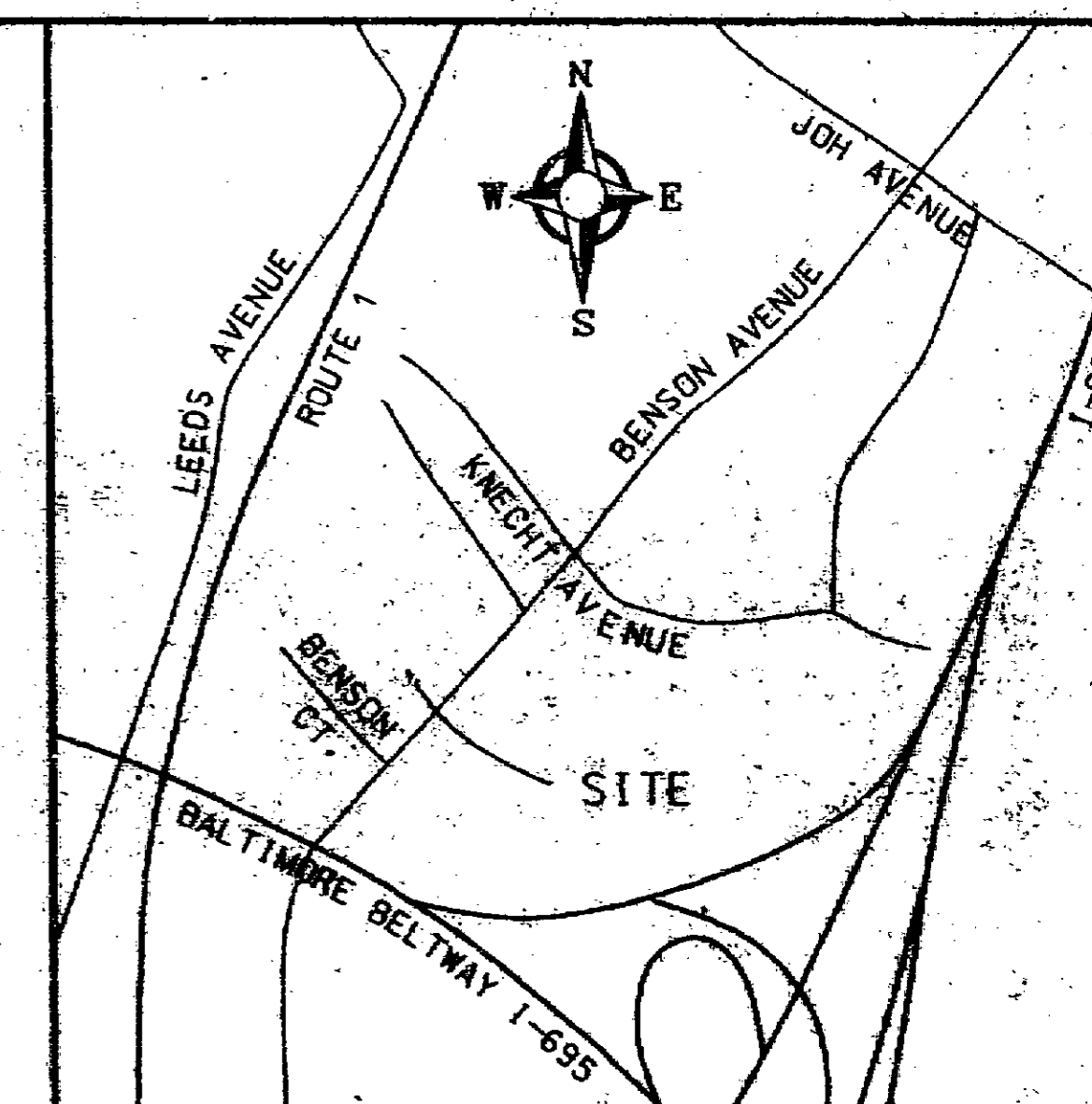
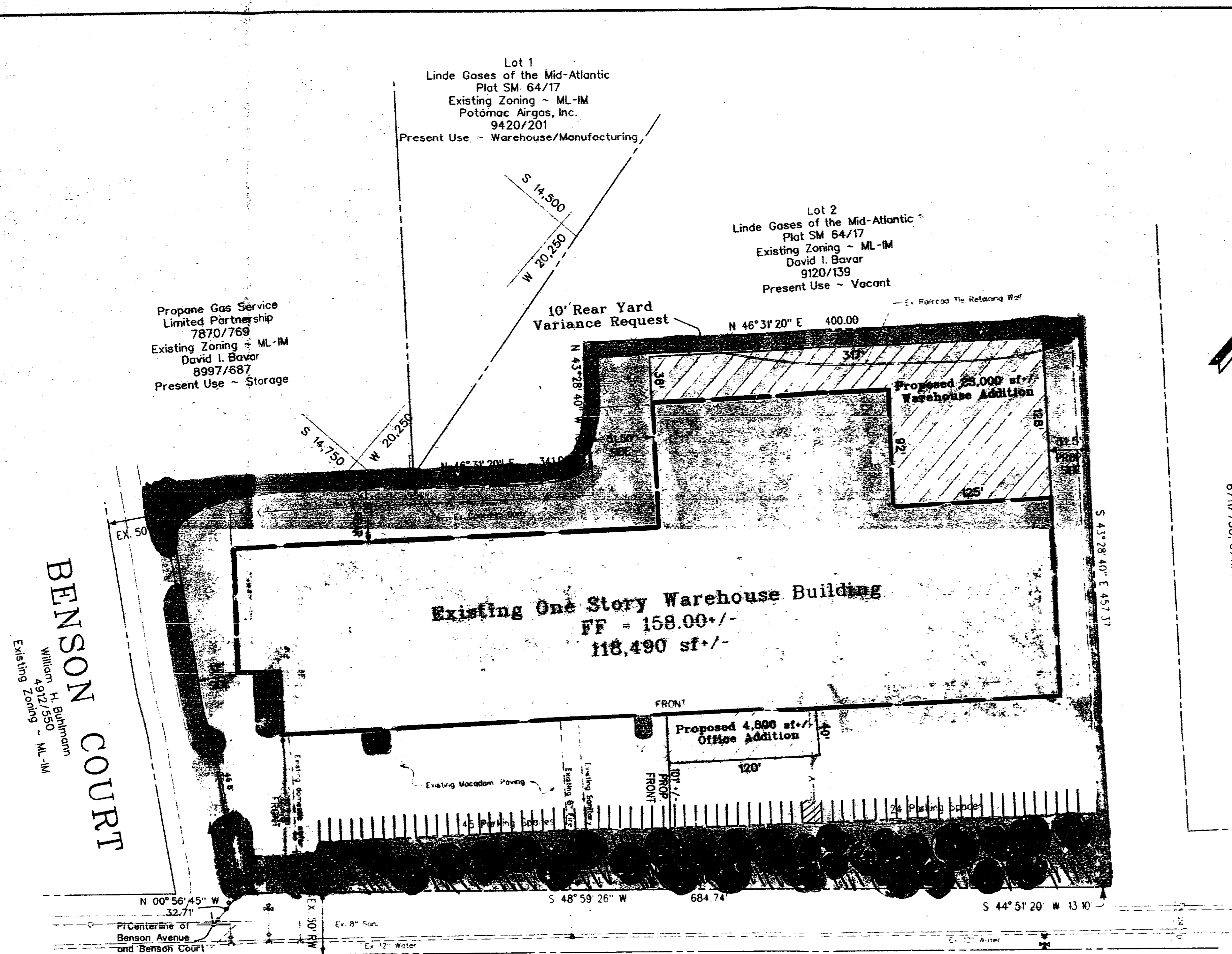
MATIS WAPFIELD, INC.
 CONSULTING ENGINEERS
 6000 York Road, Suite 209
 Baltimore, Maryland 21212
 Phone (410) 577-7596



Owner-Petitioner
Samuel M. Pistorio for Benson Joint Ven
MERRITT
 2066 Lord Baltimore Drive
 Baltimore, Maryland 21244
 410-298-2600

VARIATION REQUESTED TO SECTION 400.22 OF THE ZONING ORDINANCE TO PERMIT A REAR YARD VARIANCE OF 10 FEET FROM THE REQUIRED 20 FEET

DEVELOPER COMPANY
ZONING PETITION 15
NO 4700-472- BENSON AVENUE
 Baltimore County, MD Election District 15



LOCATION MAP
SCALE: 1" = 1,000'

SITE DATA

Gross area of site 7.17 acres +/-
Net area of site - 6.58 acres +/-
Existing zoning - ML-IM
Present use - 118,490 sf warehouse with ancillary offices
Proposed use - same + 23,000 sf warehouse addition and 4,800 sf office addition
Floor area ratio - 3.36/7.17 = 0.47
Amenity open space - n/a
Tax Account # - 1600007353
Deed reference - 5300/531
Councilmanic District - 1
Building height - 35 feet +/-
Previous commercial permits - unknown
Signage - None proposed at this time. All future signage to comply with Section 413 BCZR and all zoning sign policies
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Total of 137,837 sf of Warehouse at 24 employees @ 1 Space per 1 employee	= 24 spaces
TOTAL PARKING REQUIRED	= 52 spaces
Parking Provided	= 69 spaces

Standard spaces @ 8.5' x 18' min
Handicap Spaces (total two side by side) 21' x 18'
Van accessible handicap spaces (total two side by side) 24' x 18'

This Plat is intended for zoning purposes only and is not for use in conveyance of land, establishment of property lines, or for any other purpose.

MATIS WARFIELD, INC.
CONSULTING ENGINEERS

6600 York Road, Suite 209
Baltimore, Maryland 21212
Phone: (410) 577-7596



Owner-Petitioner
Samuel M. Pistorio for Benson Joint Venture
MERRITT
2066 Lord Baltimore Drive
Baltimore, Maryland 21244
410-298-2600

A VARIANCE IS REQUESTED TO SECTION 26.1 BCZR (a)(7) TO PERMIT A REAR YARD OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET

PLAT TO ACCOMPANY
ZONING PETITION
NO. 4700-4724 BENSON AVENUE
Baltimore County, MD Election District 13